

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARLYN J. EASTMAN, Personal)
Representative of the Estate of LINO)
LOWELL SPOTTED ELK, JR., Deceased,)
Plaintiff,) 7:07CV5004
vs.)
COUNTY OF SHERIDAN, et al.,)
Defendants.) ORDER

This matter is before the court following a telephone conference with the parties on November 5, 2007.

IT IS ORDERED:

1. All motions to dismiss or for summary judgment based on qualified immunity shall be filed not later than **January 31, 2008**. See NECivR 56.1 and 7.1.
2. **Disclosure of Expert Witnesses.**¹ Each plaintiff, counter-claimant, and cross-claimant shall, as soon as practicable but not later than **March 3, 2008**, serve all opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. Each defendant, counter-defendant, and cross-defendant shall serve its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but not later than **May 2, 2008**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **June 2, 2008**, provided that the disclosing party then provides all of the information described in Fed. R.

¹ A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in a case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

Civ. P. Rule 26(a)(2) **and** makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

3. A telephone conference with the undersigned magistrate judge will be held **on April 18, 2008, at 10:00 a.m. Central Daylight Time** for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial. **Plaintiff's counsel shall initiate the call.**

DATED this 8th day of November, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge